



ADMINISTRATIVE RECORD
BURLINGTON NORTHERN RAILROAD

1189468 - R8 SDMS

LAW DEPARTMENT

3800 Continental Plaza
777 Main Street
Ft. Worth, Texas 76102
(817) 878-2362
File: 29050-MT

April 24, 1989

U.S. Environmental Protection Agency
Region VIII
999 18th Street, Suite 500
Denver, Colorado 80202-2405

Attention: Rex Callaway, 8RC

Re: Silver Bow Creek/Butte Area Superfund Site
Silver Bow County, Montana

Dear Mr. Callaway:

This letter is in response to the notice-of-potential-liability letter concerning the above-referenced site, wherein you requested that Burlington Northern Railroad Company ("BN") give you notice of its intent to cooperate with the Environmental Protection Agency ("EPA") and the other potentially responsible parties ("PRPs"). BN will cooperate with the EPA and the other PRPs in investigating and remediating any contamination at the site, but only to the extent that BN may be responsible for any contamination at said site.

The initial investigation of BN's records, operations, and activities at the site indicates that BN did not release any hazardous materials at the site, that BN did not use any of the contaminated or hazardous mine tailings as ballast, and that BN did not otherwise contribute to the contamination at the site. BN's investigation and response to the 104e information request will surely confirm this. In that case, BN will request that it be removed as a PRP or be entitled to a de minimis settlement as an innocent landowner.

It is my understanding that BN's response to the information request is due May 4, 1989. I will have BN's response to you by that date.

Very truly yours,

Anne M. Blythe

Anne M. Blythe
Attorney

AMB:rl

cc: Messrs. B. T. Noonan
A. R. Zaegel

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